



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Len C. Kretchman et al
For : "Sealed Crustless Sandwich"
Serial No. : 90/005,949
Filed : March 9, 2001
Patent No. : 6,004,596
Examiner : George C. Yeung
Group Art Unit : 1761
Our Docket No. : SMA-12271 RX

DECLARATION
(STEVEN T. OAKLAND)

Steven T. Oakland, Vice President and General Manager - Foodservice Market of The J. M. Smucker Company, being warned that willful false statements and the like are punishable by fine or imprisonment or both under 18 U.S.C. § 1001 and that such willful false statement and the like may jeopardize the validity of this document or any patent resulting therefrom, declare that all statements made of my own knowledge are true, and any statements made on information and belief are believed to be true.

1. I am involved in the marketing of a product known as the Uncrustables. (the "Product").
2. This Product is constructed as shown in United States Letters Patent No. 6,004,596.
3. The Product is the fastest growing product of The J. M. Smucker Company in the last many years. Such growth in this highly competitive market can only be explained by the merits of

the Product.

4. The Product has been introduced to schools and clubs. Due to its high demand, the product is now being sold in national grocery outlets.

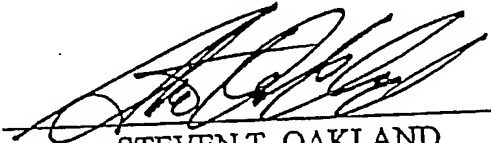
5. In the short time of sales, sandwiches have been sold with sales of over 50,000,000 sandwiches at a price of over \$15,000,000.

6. The Product does include the spaced apart depressions to increase the bond of the crimped edge and the peanut butter layers are sealed around the jelly. The peanut butter and jelly version is the basis of the commercially successful Uncrustables.

7. After introduction of the Product, companies learning about its success are now copying the Product. Thus, sales by others would need to be added to the sales volume of the Product to which the claims of Patent No. 6,004,596 are directed.

Date: _____

7/16/01


STEVEN T. OAKLAND